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10/037,914	01/02/2002	Brant L. Candelore	SNY-R4646.03	7612
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MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606			SHIFERAW, ELENI A	
		ART UNIT		PAPER NUMBER
		2136		

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/037,914	CANDELORE ET AL.
	Examiner Eleni A Shiferaw	Art Unit 2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 January 2002.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-37,40-54,56-63 and 65-112 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-37,40-54,56-63 and 65-112 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/3/04, 1/30/04...</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(f) BRIEF SUMMARY OF THE INVENTION. Appropriate correction is needed in response to this action.

### *Claim Rejections - 35 USC § 112*

2. Claims 29, 31-34, and 65-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 29 recites the limitation "The apparatus according to claim 26..." in line 1. There is insufficient antecedent basis for this limitation in the claim.
4. Claims 31-34 recites the limitation "The apparatus according to claim 30..." in line 1. There is insufficient antecedent basis for this limitation in the claim.
5. Claims 65-66 recites the limitation "The apparatus according to claim 63..." in the first line. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 85 objected to because of the following informalities: "... comprises one a video, an audio and a system..." For examining purpose, the examiner interprets "... comprises one a video, an audio and a system..." as "...comprises one of the following: a video, an audio and a system..." Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 12, 21, 62, 82, 97, 106, and 112 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is not tangibly embodied as it is only software per se. It is suggested that the claimed subject matter "An electronic transmission medium carrying an encrypted television signal..." should be changed to "An encrypted television signal stored in electronic transmission readable-medium..."

9. Claims 22-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is not tangibly embodied as it is only software per se. It is suggested that the claimed subject matter "An encrypted television signal..." should be changed to "An encrypted television signal stored on a set-top box-readable medium..."

10. Claims 25-27, and 83-85 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is not tangibly embodied as it is only software per

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se. It is suggested that the claimed subject matter "A multiple encrypted television signal..." should be changed to "A multiple encrypted television signal stored on a set-top box-readable medium..."

11. Claim 63 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is not tangibly embodied as it is only software per se. It is suggested that the claimed subject matter "A partially multiple encrypted digital television signal..." should be changed to "A partially multiple encrypted digital television signal stored on a set-top box-readable medium..."

### ***Double Patenting***

12. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

13. . Claims 35-37 and 40-45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 10/037,498

Although the conflicting claims are not identical, they are not patentably distinct from each other because an application 10/037,498 specifically discloses

Application 10/037,498 Claim 35

receiving partially encrypted content comprising unencrypted content, first content encrypted under a first encryption system and second content encrypted under a second encryption system;

decrypting the second encrypted content; and

decoding the clear first content and the decrypted second content to decode the partially encrypted content.

The present application 10/037,914 has claim 35 that read as follows:

receiving a television signal having an encrypted audio portion and a clear video portion, wherein the multiple encrypted audio portion comprises a first encrypted audio portion encrypted under a first encryption method and a second encrypted portion encrypted under a second encrypted method;

decrypting the encrypted audio portion to produce a decrypted audio portion;

decoding the decrypted audio portion and the clear video portion to produce a decoded television signal.

The only difference between these two claims is that in the application 10/037,914 claims "...decoding the decrypted audio portion and the clear video portion..." and application 10/037,498 claims "...decoding the clear first content and the decrypt second content..." Clearly, applicant is attempting to obtain a narrower coverage in application 10/037,914 and a broader coverage in application 10/037,498.

It is well settled that the omission of an element and its function is an obvious expedient if the remaining elements perform the same function as before. In re Karlson, 136 USPQ 184 (CCPA 1963). Also EX parte Rainu, 168 USPQ 375 (Bd. App. 1969). Omission of a reference element whose function is not needed would be obvious to one of ordinary skill in the art.

14. Similarly, claims 35, and 46 of present application and the claims 6, 14, 27, 35, and 43 of co-pending applications are different in the similar way as in for claim 35.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

#### **Claim Rejections - 35 USC § 102**

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

16. Claims 54, 56, 58, 60-63, 65-69, 72-73, 76-77, 81-84, 86-87, 90, 94-99, 102-108, and 110-112 are rejected under 35 U.S.C. 102(a) as being anticipated by Jandel et al. (Jandel WO 00/31964).

As per claims 54, 61-63, 107, and 111-112, Jandel teaches a method/electronic storage medium/electronic transmission medium of partially multiple encrypting a digital television

signal, wherein the television signal includes an elementary data stream and system information (SI), comprising:

encrypting the SI under a first encryption system to create a first encrypted SI (Jandel page 6 par. 2-3, and fig. 1 and fig. 2a);

encrypting the SI under a second encryption system to create a second encrypted SI (Jandel page 6 par. 2-3, and fig. 1 and fig. 2a), comprising:

forming a partially multiple encrypted digital television signal comprising:

the elementary data stream in an unencrypted form (Jandel Fig. 1 No. 101 and page 6 par. 2-3 & 6); and

the SI encrypted under the first encryption system (Jandel Fig. 1 No. 101 and page 6 par. 2-3 & 6).

As per claim 67, Jandel teaches a television set-top box, comprising:

a receiver that receives a television signal comprising content and encrypted system information (Jandel page 6 par. 4-6, and fig. 2b);

a decrypter that decrypts the system information (Jandel page 6 par. 4-6, and fig. 2b No. 253); and

a decoder that decodes the content (Jandel page 6 par. 4-6, and fig. 2b No. 255).

As per claims 72, 76, and 81-82, Jandel teaches a method/electronic storage medium/electronic transmission medium of multiple encrypting a television signal, comprising:

encrypting a selected elementary stream of the television signal according to a first encryption method to produce a first encrypted elementary stream (Jandel page 6 par. 2-3 & 6, claims 1 &6, and fig. 1 No. 103);

encrypting the selected elementary stream of the television signal according to a second encryption method to produce a second encrypted elementary stream (Jandel page 6 par. 2-3 & 6, claims 1 & 6, and fig. 1 No. 105); and

combining the first encrypted elementary stream and the second encrypted elementary stream with at least one unencrypted elementary stream of the television signal to produce a partially multiple encrypted television signal (Jandel page 6 par. 2-3 & 6, claims 1 & 6, and fig. 1 No. 105).

As per claims 86, 96-98, and 105-106 Jandel teaches a method/electronic storage medium/electronic transmission medium of multiple encrypting a television signal, comprising:

encrypting a video portion of the television signal according to a first encryption method to produce a first encrypted video portion (Jandel page 5 par. 1, claims 1&6, and fig. 1 No. 103);

encrypting the video portion of the television signal according to a second encryption method to produce a second encrypted video portion (Jandel page 5 par. 2, claims 1&6, and fig. 1 No. 105); and

combining the first encrypted video portion and the second encrypted video portion with an unencrypted audio portion of the television signal to produce a multiple partially encrypted television signal (Jandel page 5 par. 3, page 6 par. 3 and claims 1&6).

As per claim 83, Jandel teaches a multiple selective encrypted electronic video signal, comprising:

a plurality of elementary streams (Jandel page 6 par. 2-3 and fig. 1 No. 101, 103, & 105);  
at least a first of the elementary streams carrying the same content as a first duplicate elementary stream (Jandel page 6 par. 2-3 No. 103);  
the first elementary stream being encrypted according to a first encryption method to produce a first encrypted elementary stream (Jandel page 5 par. 1, claims 1&6, and fig. 1 No. 103); and  
the first duplicate elementary stream encrypted according to a second encryption method to produce a second encrypted elementary stream (Jandel page 5 par. 2, claims 1&6, and fig. 1 No. 105).

As per claim 90, Jandel teaches the method, wherein video packets encrypted according to the first encryption method are assigned a first packet identifier and video packets encrypted according to the second encryption method are assigned a second packet identifier (Jandel page 6 par. 4-6, and fig. 2b No. 251 &253; the multiple encrypted and unencrypted data portions/packets are identified and selected by the selector 255 to apply the multiple decryption technique that corresponds to the multiple encryption technique to the multiple encrypted packets).

As per claims 94 and 102, Jandel teaches the method, further comprising distributing system information to provide locating information used to locate the first and second encrypted video portions (Jandel page 6 par. 2-6 and fig. 1, 2a, & 2b).

As pr claim 95, Jandel teaches the method, further comprising combining encrypted system information with the audio portion and the first and second encrypted video portions (Jandel page 6 par. 3 and claims 1 & 6).

As pr claim 103, Jandel teaches the method further comprising encrypting the system information (Jandel page 6 par. 2-3).

As pr claim 104, Jandel teaches the method further comprising partially encrypting the unencrypted audio portion of the television signal (Jandel Fig. 1 No. 101, 103, and 105).

As pr claims 56 and 108, Jandel teaches the method, wherein the partially multiple encrypted digital television signal further comprises the SI encrypted under the second encryption system (Jandel Fig. 1 No.105, and page 5 par. 1-2).

As pr claims 58 and 110, Jandel teaches the method, wherein the encrypted SI information is distributed in a different band than that used to distribute the elementary data stream in the unencrypted form (Jandel abstract, and page 3 par. 2-3).

As pr claim 60, Jandel teaches the method, wherein the encrypted SI information is distributed in a different band than that used to distribute the elementary data stream in the unencrypted form (Jandel abstract, and page 3 par. 2-3).

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As pr claim 65, Jandel teaches the apparatus, wherein the unencrypted elementary data stream is modulated to a first frequency band and wherein the first encrypted SI is modulated to a second frequency band (Jandel abstract, and page 3 par. 2-3).

As pr claim 66, Jandel teaches the apparatus, wherein the unencrypted elementary data stream is modulated to a first frequency band and wherein the second encrypted SI is modulated to a second frequency band (Jandel abstract, and page 3 par. 2-3).

As pr claim 68, Jandel teaches the apparatus, wherein the content is decoded according to the decrypted system information (Jandel page 6 par. 4-6).

As pr claim 69, Jandel teaches the apparatus, wherein the system information includes channel identifier information for identifying the content (Jandel page 6 par. 2-6).

As pr claim 73, Jandel teaches the method, further comprising distributing an unencrypted video portion of the television signal along with the first and second encrypted elementary streams (Jandel page 6 par. 3).

As pr claim 77 Jandel teaches the method, wherein the television signal is a digital television signal, and wherein the encrypting comprises encrypting packets identified as the 'selected elementary stream packets (Jandel Fig. 1 No. 103 and 105).

As pr claim 84 Jandel teaches the multiple selective encrypted electronic video signal, wherein the first encryption method comprises a legacy encryption method and wherein the second encryption method comprises a non-legacy encryption method (Jandel page 6 par. 6).

As pr claims 87 and 99 Jandel teaches the method, wherein the television signal is a digital television signal, and wherein the multiple encrypting comprises encrypting packets identified as video packets (Jandel Fig. 1 No. 101, 103, & 105 and abstract).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1-2, 5, 8-14, 16-23, 25-26, 28-37, 40, 42-48, 50-53, 57, 59, 74, 79, 80, 85, 93, 101, and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel et al. (Jandel WO 00/31964) in view of Guralnick et al. (Guralnick, Patent Number: 6,058,192).

As per claims 1, 11-13, and 20-21, Jandel teaches a method/electronic storage medium/electronic transmission medium of multiple encrypting a television signal, comprising:

encrypting a data portion of the television signal according to a first encryption method to produce a first encrypted data portion (Jandel page 5 par. 1, claims 1&6, and fig. 1 No. 103);

encrypting the data portion of the television signal according to a second encryption method to produce a second encrypted data portion (Jandel page 5 par. 2, claims 1&6, and fig. 1 No. 105); and

combining the first encrypted data portion and the second encrypted data portion with an unencrypted video portion of the television signal to produce a multiple partially encrypted television signal (Jandel page 5 par. 3, and claims 1&6).

Jandel does fails to explicitly teach encrypting an audio data;  
However Guralnick discloses encrypting an audio portion of a television signal (Guralnick Col. 3 lines 31-47, col. 6 lines 55-67, and claim 1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel because it would encrypt a particular portion of audio/video signal to protect audio/video data on broadcasting system.

As per claims 22 and 25, Jandel teaches a multiple encrypted television signal for encrypting a television signal having a clear audio portion and a clear video portion, comprising:

a first encrypted data portion, comprising the clear data portion encrypted under a first encryption method (Jandel page 5 par. 1, claims 1&6, and fig. 1 No. 103);  
a second encrypted data portion, comprising the clear data portion encrypted under a second encryption method (Jandel page 5 par. 2, claims 1&6, and fig. 1 No. 105); and

an unencrypted video portion (Jandel page 4 par. 6, claims 1&6, and Fig. 1 No. 101).

Jandel does fails to explicitly teach encrypting an audio data;

However Guralnick discloses encrypting an audio portion of a television signal (Guralnick Col. 3 lines 31-47, col. 6 lines 55-67, and claim 1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel because it would encrypt a particular portion of audio/video signal to protect audio/video data on broadcasting system.

As per claim 30, Jandel teaches a cable system headend, comprising:

a first encryption system that encrypts a television data packets using a first encryption algorithm (Jandel page 5 par. 1, claims 1&6, and fig. 1 No. 103);

a second encryption system that encrypts a television data packets using a second encryption algorithm (Jandel page 5 par. 2, claims 1&6, and fig. 1 No. 105); and transmitting/distributing the stream of packets comprising a video packets (Jandel page 3 par. 3 and fig. 1), a television data packets encrypted under the first encryption algorithm, and a television packets encrypted under the second encryption algorithm and system information packets (Jandel claims 1&6).

Jandel does fails to explicitly teach encrypting an audio data; and

a cable television distribution system to distribute a stream packets.

However Guralnick discloses encrypting an audio portion of a television signal (Guralnick Col. 3 lines 31-47, col. 6 lines 55-67, and claim 1).

a cable television distribution system to distribute a stream packets (Guralnick col. 6 lines 36-54).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel because it would encrypt a particular portion of audio/video signal to protect audio/video data on broadcasting system.

As per claims 28, 35, and 42-45, Jandel discloses an apparatus/method/integrated circuit and programmable logic device of decoding a multiple partially encrypted television signal, comprising:

a receiver receiving a television signal having a dual partially encrypted television program/multiple encrypted signal portion (Jandel page 6 par. 6, and page 3 par. 5) and a clear video portion (Jandel Fig. 2b No. 251 & 253, and page 6 par. 2), wherein the multiple encrypted television data portion comprises a first encrypted television data portion encrypted under a first encryption method and a second encrypted portion encrypted under a second encryption method (Jandel page 6 par. 2-3);

a decrypter that receives encrypted television data packets from the receiver and decrypts the first encrypted television data packets, the encrypted audio packets being encrypted under a first encryption algorithm (Jandel page 6 par. 4-6, and fig. 2b No. 253) ; and

a decoder that receives and decodes the decrypted audio packets, and that receives and decodes unencrypted video packets to produce a television signal suitable for play on a television receiver (Jandel page 6 par. 4-6, and fig. 2b No. 255).

Jandel does fails to explicitly teach encrypting an audio data; and

However Guralnick discloses encrypting an audio portion of a television signal (Guralnick Col. 3 lines 31-47, col. 6 lines 55-67, and claim 1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel because it would encrypt a particular portion of audio/video signal to protect audio/video data on broadcasting system.

As per claim 46, and 50-53, Jandel teaches a method/apparatus/integrated circuit of decoding a partially encrypted television signal, comprising:

receiving a television signal having a first encrypted audio portion, a second encrypted television data portion and a clear video portion, the first television data portion being identified by a first packet identifier (PID), and the second television data portion being identified by a

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second PID (Jandel page 6 par. 4-6, and fig. 2b No. 251 &253; the multiple encrypted and unencrypted data portions/packets are identified and selected by the selector 255 to apply the multiple decryption technique that corresponds to the multiple encryption technique to the multiple encrypted packets);

discarding the second encrypted audio portion by PID filtering (Jandel page 3 par. 4);  
decrypting the first encrypted television data portion to produce a decrypted television data portion (Jandel page 6 par. 4-6, and fig. 2b No. 253); and  
decoding the decrypted television data portion and the clear video portion to produce a decoded signal (Jandel page 6 par. 4-6, and fig. 2b No. 255).

However Guralnick discloses encrypting an audio portion of a television signal (Guralnick Col. 3 lines 31-47, col. 6 lines 55-67, and claim 1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel because it would encrypt a particular portion of audio/video signal to protect audio/video data on broadcasting system.

As per claims 2, 14, 23, and 26, Jandel and Guralnick teach all the subject matter as described above. In addition Guralnick teaches the method/multiple encrypted television signal, wherein the television signal is a digital television signal, and wherein the encrypting comprises encrypting packets identified as audio packets (Guralnick Col. 3 lines 31-47, col. 6 lines 55-67,

and claim 1). The rational for combining are the same as claim 1 above.

As per claims 5 and 37, Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the method, wherein the encrypted audio portion is identified by a packet identifier (PID) associated with a decryption algorithm used for decrypting the encrypted audio portion (Jandel page 6 par. 4-6, and fig. 2b No. 251 & 253; the multiple encrypted and unencrypted data portions/packets are identified and selected by the selector 255 to apply the multiple decryption technique that corresponds to the multiple encryption technique to the multiple encrypted packets).

As per claims 8 and 16 Jandel and Guralnick teach all the subject matter as described above. In addition, Guralnick teaches the method, wherein the first encrypted audio portion and the second encrypted audio portion are distributed over one of a terrestrial broadcast system, a satellite system and a cable system (Guralnick col. 6 lines 36-54, and col. 12 lines 38-47).

As per claims 9 and 17, Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the method, further comprising distributing system information to provide locating information used to locate the first and second encrypted audio portions (Jandel page 6 par. 2-6 and fig. 1, 2a, & 2b).

As per claim 10 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the method, further comprising combining encrypted system information with the

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video portion and first and second encrypted audio portions (Jandel page 6 par. 3 and claims 1 & 6).

As per claim 18 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the method, further comprising encrypting the system information (Jandel page 6 par. 2-3).

As per claim 19 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the method, further comprising partially encrypting the unencrypted video portion of the television signal (Jandel Fig. 1 No. 101, 103, and 105).

As per claim 29 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches a cable system headend, wherein the receiver further receives and discards audio packets encrypted under a second encryption algorithm (Jandel page 3 par. 4, and Fig. 2b No. 251 & 255).

As per claim 31 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the apparatus, wherein the video packets are unencrypted (Jandel Fig. 1 No. 101).

As per claim 32 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the apparatus, wherein the system information packets are unencrypted (Jandel Fig. 1 No. 101).

As per claim 33 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the apparatus, wherein the video packets are partially encrypted (Jandel Fig. 1 No. 101, 103, and 105, and page 3 par. 2).

As per claim 34 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the apparatus, wherein the system information packets are encrypted (Jandel Fig. 1 No. 103, and 105).

As per claims 36 and 47 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the method, wherein the decoded signal is suitable for play on a television set (Jandel page 6 par. 5, and Fig. 2b No. 255).

As per claims 40 and 48 Jandel and Guralnick teach all the subject matter as described above. In addition, Jandel teaches the method, wherein the first PID is a secondary PID and wherein the second PID is a primary PID (Jandel page 6 par. 2-6 and fig. 1, 2a, and 2b; data is put in to multiple packets and some portions of the data is encrypted and transmitted to the decrypter and each portions of the data is identified and decrypted by the decrypter. It is obvious to one ordinary skill in the art at the time of the invention to identify the first and second packet as a secondary and primary or visversa).

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As per claims 57, 59, 79, 93, 101, and 109, Jandel teaches all the subject matter as described above. Jandel does not explicitly teach one of the following distribution method: a cable system, a terrestrial broadcast system and satellite system.

However Guralnick discloses the method, further comprising distributing the partially encrypted television signal over one of the following: a cable system, a terrestrial broadcast system and satellite system (Guralnick col. 6 lines 36-54, and col. 12 lines 38-47).

Therefore it would be obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel because it would allow the distribute the television signal to television set top box.

As per claim 74, Jandel and Guralnick teach all the subject matter as described above. In addition, both Jandel and Guralnick teach the method, wherein the television signal is a digital television signal, and wherein the encrypting comprises encrypting packets identified as one of audio elementary stream packets, video elementary stream packets and system information elementary stream packets (Jandel page 6 par. 2-6, and Guralnick col. 3 lines 31-47). The rational for combining are the same as claim 57 above.

As per claim 80, Jandel and Guralnick teach all the subject matter as described above. In addition, both Jandel and Guralnick teach the method, wherein the television signal is a digital television signal, and wherein the encrypting comprises encrypting packets identified as one of audio elementary stream packets, video elementary stream packets and system information elementary

stream packets (Jandel Fig. 1 No. 103 & 105, and Guralnick col. 3 lines 31-47). The rational for combining are the same as claim 57 above.

As per claim 85, Jandel and Guralnick teach all the subject matter as described above. In addition, both Jandel and Guralnick teach the multiple selective encrypted electronic video signal, wherein the first elementary stream comprises one a video, an audio and a system information elementary stream (Jandel Fig. 1 No. 101, 103, & 105, and Guralnick col. 3 lines 31-47). The rational for combining are the same as claim 57 above.

19. Claims 4, 6, 7, 41, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel et al. (Jandel WO 00/31964) in view of Guralnick et al. (Guralnick, Patent Number: 6,058,192), and further in view of Yasukawa et al. (Yasukawa, Patent Number: 5,999,622).

As per claim 4, Jandel and Guralnick teach all the subject matter as described above. Jandel and Guralnick do not explicitly teach a digital satellite service. However Yasukawa teaches wherein the digital television signal complies with a digital satellite service (DSS) transport standard, and wherein the audio packets are identified for encryption by a service channel identifier (SCID) (Yasukawa col. 4 lines 33-38).

Therefore it would be obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Yasukawa within the combination system of Jandel and Guralnick because it would allow to transmit a stream of data portions, where some of the stream of the data portions are encrypted and some portions are left unencrypted and each

segmented encrypted or unencrypted portions of the data are identified (Yasukawa abstract).

As per claim 6, Jandel and Guralnick teach all the subject matter as described above.

Jandel and Guralnick do not explicitly teach the map table.

However Yasukawa discloses the method, wherein the first packet identifier and the second packet identifier are referenced as primary elementary PIDs in a program map table (PMT) (Yasukawa col. 6 lines 30-59, and Fig. 6 & 7).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Yasukawa within the combination system of Jandel and Guralnick because it would allow to map and identify the portions of the television data.

As per claims 7, 41, and 49, Jandel, Guralnick and Yasukawa teach all the subject matter as described above. In addition, Jandel and Yasukawa teach the method, wherein the first packet identifier is referenced as a primary elementary PID in a program map table (PMT) and the second packet identifier is referenced as a secondary elementary PID in the program map table (PMT) (Jandel page 6 par. 2-6 and Yasukawa col. 6 lines 30-59, and Fig. 6 & 7). The rational for combining are the same as claim 6 above.

20. Claims 89, and 91-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel et al. (Jandel WO 00/31964), and further in view of Yasukawa et al. (Yasukawa, Patent Number: 5,999,622).

As per claim 89, Jandel teaches all the subject matter as described above.

Jandel does not explicitly teach a satellite service.

However Yasukawa discloses the method, wherein the digital television signal complies with a digital satellite service (DSS) transport standard, and wherein the video packets are identified for encryption by a service channel identifier (SCID) (Yasukawa Col. 4 lines 33-38).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Yasukawa within the system of Jandel because it would allow to transmit portioned digital packets.

As per claims 91- 92 Jandel teaches all the subject matter as described above.

Jandel does not explicitly teach the program map table (PMT).

However Yasukawa teaches the method, wherein the first packet identifier is referenced as a primary elementary packet identifier (PID) in a program map table (PMT) and the second packet identifier is referenced as a secondary elementary packet identifier (PID) in the program map table (PMT) (Yasukawa col. 6 lines 30-59, and Fig. 6 & 7).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Yasukawa within the system of Jandel because it would allow to map and identify the portions of the television data.

21. Claims 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel et al. (Jandel WO 00/31964), and further in view of Applicant Admitted Prior Art (AAPA).

As per claim 70 Jandel teaches all the subject matter as described above.

Jandel does not explicitly teach an out of band receiver.

However AAPA teaches the apparatus, wherein the system information is received in an out of band receiver (AAPA page 3 lines 4-6).

Therefore it would be obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of AAPA within the system of Jandel because it would receive information.

As per claim 71 both Jandel and AAPA teach the subject matter as described above. In addition, AAPA discloses the apparatus, wherein the system information is received in an in-band receiver (AAPA page 3 lines 4-6). The rational for combining are the same as claim 70 above.

22. Claims 3, 15, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel et al. (Jandel WO 00/31964) in view of Guralnick et al. (Guralnick, Patent Number: 6,058,192), and further in view of Alattar et al. Improved Selective encryption techniques for secure transmission of MPEG video bit-streams October 1999 (Alattar IEEE '99).

As per claims 3, 15, 24, 27, 75, 78, 88, and 100, Jandel and Guralnick teach all the subject matter as described above. Jandel and Guralnick do not explicitly teach MPEG standard.

However Alattar IEEE '99 teaches wherein the digital television signal complies with an MPEG standard, and wherein the audio packets are identified for encryption by a packet identifier (PID) (Alattar IEEE '99 pages 257-258 section 2.3, and 3.1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Alattar IEEE '99 within the combination system of Jandel and Guralnick because it would partially/selectively encrypts multiple portions of a television signal and un-encrypt some portions of the signal and multiplexes/combines the un-encrypted data with the encrypted portions in order to have most efficient and highly secure method by reducing processing time over "total" encryption (Alattar IEEE '99 abstract and pages 257-258 section 2.3, and 3.1).

23. Claims 75, 78, 88, and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel et al. (Jandel WO 00/31964), and further in view of Alattar et al. Improved Selective encryption techniques for secure transmission of MPEG video bit-streams October 1999 (Alattar IEEE '99).

As per claims 75, 78, 88, and 100, Jandel teaches all the subject matter as described above. Jandel does not explicitly teach MPEG standard.

However Alattar IEEE '99 teaches wherein the digital television signal complies with an MPEG standard, and wherein the audio packets are identified for encryption by a packet identifier (PID) (Alattar IEEE '99 pages 257-258 section 2.3, and 3.1).

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Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Alattar IEEE '99 within the system of Jandel because it would partially/selectively encrypts multiple portions of a television signal and un-encrypt some portions of the signal and multiplexes/combines the un-encrypted data with the encrypted portions in order to have most efficient and highly secure method by reducing processing time over "total" encryption (Alattar IEEE '99 abstract and pages 257-258 section 2.3, and 3.1).

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eleni Shiferaw

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March 28, 2005



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